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Paper 18

Filed October 5, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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LAURE DUMOUTIER and JEAN-CHRISTOPHE RENAULD  
Junior Party  
(U.S. Application No. 09/915,735),

v.

YASMIN A. CHANDRASEKHER, JULIA E. NOVAK,  
DONALD C. FOSTER, WENFENG XU, and STEPHEN R. JASPERS,  
Senior Party  
(U.S. Application 10/471,151).

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Patent Interference No. 105,498 (MPT)  
(Technology Center 1600)

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Before: McKelvey, *Senior Administrative Patent Judge* and, Tierney and Moore, *Administrative Patent Judges*.  
Tierney, *Administrative Patent Judge*.

**JUDGMENT - REQUEST FOR ADVERSE - Bd. R. 127(b)**

Dumoutier has filed a request for entry of adverse judgment. (Paper No. 17). Specifically, Dumoutier states that it requests adverse judgment as to claim 1 of its involved U.S. Application No. 09/915,735. Of note, claim 1 is the only pending claim in the '735 application and it corresponds to Count 1, the sole count in interference. (Dumoutier Clean Copy of Claims, Paper No. 4.5).

It is:

**ORDERED** that judgment on priority as to Count 1, the sole count in interference, is awarded against Junior Party Dumoutier.

**FURTHER ORDERED** that Junior Party Dumoutier is not entitled to a patent containing claim 1 of U.S. Application No. 09/915,735.

**FURTHER ORDERED** that a copy of this paper shall be made of record in the files of U.S. Application No. 09/915,735 and U.S. Application No. 10/471,151.

**FURTHER ORDERED** that should there be a settlement agreement, the parties attention is directed to 35 U.S.C. §135(c) and Bd. R. 205.

/Fred E. McKelvey/ )  
FRED E. McKELVEY )  
Senior Administrative Patent Judge )  
)  
)  
/Michael P. Tierney/ )  
MICHAEL P. TIERNEY )  
Administrative Patent Judge )  
)  
)  
/James T. Moore/ )  
JAMES T. MOORE )  
Administrative Patent Judge )

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

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**Townes, Yolunda**

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**Attachments:** jd105498\_018.pdf

Judgment - Request for Adverse - Bd.R. 127(b)

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